

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARK HORTON,)
Plaintiff,) Case No. 14:17-CV-2324
v.)
MIDWEST GERIATRIC MANAGEMENT, LLC,)
Defendant.)

**NOTICE OF ELECTION TO STAND ON ORIGINAL COMPLAINT
AND REQUEST FOR ENTRY OF FINAL DISPOSITION**

COMES NOW Plaintiff, Mark Horton, by and through his attorneys, Mathis, Marifian & Richter, Ltd., and for his Notice of Election to Stand on Original Complaint and Request for Entry of Final Disposition made pursuant to Rule 58(d) of the Federal Rules of Civil Procedure, states as follows:

1. On December 21, 2017, this Court entered an order dismissing Counts I and II of Plaintiff's Complaint with prejudice, and dismissing Count III of Plaintiff's Complaint without prejudice and with leave to amend by January 5, 2017.

2. Plaintiff hereby gives notice of his election to stand on the allegations of Count III of his original Complaint and respectfully declines to file an Amended Complaint or to otherwise amend Count III now on file in this cause.

WHEREFORE, Plaintiff Mark Horton requests that this Honorable Court now make an appropriate final and appealable disposition of this cause pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

MATHIS, MARIFIAN & RICHTER, LTD.

By /s/Mark S. Schuver

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CERTIFICATE OF SERVICE

I hereby certify that, on January 3, 2018, a true and correct copy of the foregoing was served via the Court's electronic filing system upon all counsel of record, pursuant to the Court's Local Rules.

/s/Mark S. Schuver